1943

File No. B. Rent Restriction/43

Legal Department

B **BRANCH**

Subject:— Governor's Bill No. V of 1943.

A Bill to amend the Bombay Rent Restriction Act 1939.

Bom. IV of 1943

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File No. B. Rent Restriction/43

Gen. 194 e.

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Office of the R.L.A.

The draft Bill at page 3 ante and the draft statement at page 5 ante, as slightly amended, are in order.

2. Under executive instructions, the Bill requires the previous concurrence of the Governor General before enactment. (Please see Secretary to the Governor's Cirmular No. 201(12), dated 18th December 1939).

3. The subject-matter of the Bill falls under entry No. 21 in List I[1] and entries Nos. 4,8, 10 and 15 in List III of the Seventh Schedule to the Government of India Act, 1935. As sections 5, 10 and 11 of the Bombay Rent Restriction Act, 1939, are repugnant to the provisions of the existing Indian Law contained in sections 108(1) and 108 (q) of the Transfer of Property Act, 1882, and as section 13 is repugnant to the provisions of the existing Indian law contained in Chapter VIII of the Presidency Small Causes Courts Act, 1882, and as the Bill is intended to extend the life of the Bombay Rent Restriction Act, 1939, for a further period of one year, the Bill will have to be reserved for the consideration of the Governor-General with reference to paragraph (2) of the Proclamation and section 107 (2) of the Government of India Act, 1935.

P.T.O.

4. Before the papers are referred to the R.L.A. for scrutiny of a Bill, the administrative Department has to follow the procedure laid down in instruction 25 of the Instructions issued under rule 15 of the Rules of Business and in Secretary to the Governor's Circular No. 1201, dated the 10th May 1937 and P.&S.D. Circular No. 996, dated the 3rd September 1938 and Secretary to the Governor's Circular No. 201(41), dated the 30th September 1941. The papers will have to be submitted to H.E. the Governor through all the Advisers.

Sd/- P.N.M.

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Remembrancer of Legal Affairs.

U.R.to G.D.No. 96-Confl, dated the 24th February 1943.

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Immediate. No. 2061

Legal Department,
Bombay Castle, 20th March 1943.

From

P.N.Moos, Esquire, Bar-at-Law, I.C.S.,
Secretary to the Government of Bombay;

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Bombay Rent Restriction Act, 1939.

Sir,

With reference to your Memorandum No. 201(57), dated the 13th March 1943 addressed to the General Department, on the above subject, I am directed to forward herewith a copy of the Bill to amend the Bombay Restriction Act, 1939, prepared by His Excellency the Governor of Bombay under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of theprovisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entry No. 21 in List II and entries Nos. 4,8,10 and 15 in List III of the Seventh Schedule

P.T.O.

to the Government of India Act, 1935. As sections 5, 10 and 11 of the Bombay Rent Restriction Act 1939 are repugnant to the provisions of the existing Indian Law contained in sections 108(1) and 108(q) of the Tranafer of Property Act, 1882, and as section 13 is repugnant to the provisions of the existing Indian Law contained in Chapter VIII of the Presidency Small Cause Courts Act, 1882, and as the Bill is intended to extend the life of the Bombay Rent Restriction Act, 1939, for a further period of one year, the Bill will have to be reserved for the consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935.

4. I also forward herewith six spare copies of the Bill, out of which five copies are for transmission to the Secretary to the Governor-General (Public).

5. It is requested that His Excellency the Governor-General may be moved to give his assent to the Bill and to convey the assent by telegram so as to enable this Government to publish the assent before the 31st March 1943 as the old Act expires on that day and the new Act must come into force on that date.

6. I am to add that the Bill has been published for public criticism and the public has been requested to submit criticisms or suggestions upto the 23rd instant.

Hm

Contd.

No criticism or suggestion is antisipated which might necessitate any amendment in the Bill but if any such amendment is considered necessary the same will be communicated to you on the 24th instant.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- P.N.M.
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Secretary to the Government of Bombay,

Legal Department.

Through:
The Secretary to the Government of Bombay,

General Department.

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Acts.

Publication of the Bombay Rent Restriction (Amendment) Act, 1943.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 2328
Bombay Castle, 30th March 1943.

Letter to the Secretary to the Governo No.2061, dated the 20th March 1943.

Letter from the Secretary to the Governor, No. 201(57) dated the 29th March 1943.

"With reference to your letter No. 2061, dated 20th March 1943, on the above subject, I am directed to inform you that intimation has been received from the Secretary to the Governor-General (Public) that His Excellency the Governor-General assented to the Bombay Rent Restriction (Amendment) Bill, 1943, on the 27th March 1943."

RESOLUTION.- The Law should be published as Bombay Act No. IV of 1943, in the Bombay Government Gazette dated the 30th March 1943

2. The Act should be translated into Marathi, Gujarathi Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette,

3. A copy of the Act should be forwarded to the General Department.

By order of the Governor of Bombay

Sd/-

for P.N.Moos,
Secretary to Government.

P.T.O.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with the request that 15 gazette copies of the Act may be forwarded to the Legal Department.)

The General Department.

*The Oriental Translator to Government.) with a copy

The Secretary to the Bombay Legislative Council.) of the Act.

The Secretary to the Bombay Legislative Assembly.)

*With five extra copies.

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~~A Bill~~ to amend the Bombay Rent Restriction Act, 1939.

Bom. XVI of 1939.

WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939, for the purpose hereinafter appearing;

26 Geo. 5 Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Rent Restriction (Amendment) Act, 1943.

(*2*) It shall come into force on the 31st day of March 1943.

Amendment of section 1 of Bom. XVI of 1939.

Bom. XVI of 1939.

2. In sub-section (*3*) of section 1 of the Bombay Rent Restriction Act, 1939, for the figures "1943" the figures "1944" shall be substituted.

SM Bk H 1570

STATEMENT.

The extended term of the Bombay Rent Restriction Act of 1939, which restricts the increase of rents of premises not exceeding Rs. 80 per mensem expires on 31st March 1943. Government considers it necessary to continue the restriction and proposes to extend the term of the Act for a further period of one year from 1st April 1943 and to amend the Act accordingly.

" True copy - Original papers being of bad quality - Destroyed".

Superintendent,
D.Branch, Legal Department.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

No. 201(57)
Office of the Governor's Secretary
Government House
Bombay, 2nd April 1943.

From

J.B.Irwin, Esquire, CIE.DSC.MC.ICS.
Secretary to the Governor of Bombay,

To

The Secretary to Government,
Legal Department, Bombay,

Subject: A Bill to amend the Bombay Rent Restriction Act, 1939.

Sir,

In continuation of my letter No.201(57) dated the 29th March 1943, on the above subject, I am directed to forward herewith the copy of the Bill to amend the Bombay Rent Restriction Act, 1939, with His Excellency the Governor-General's assent signified thereon.

Your obedient servant,

(Sd/-)

For Secretary to the Governor

of Bombay.

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